



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/210,775	12/14/1998	TOSHIAKI SHIMADA	1163-0214P	4920

7590

01/15/2002

BIRCH STEWART KOLASCH & BIRCH  
P O BOX 747  
FALLS CHURCH, VA 22040-0747

EXAMINER
----------

WONG, ALLEN C

ART UNIT	PAPER NUMBER
----------	--------------

2613

DATE MAILED: 01/15/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

*Handwritten signature*

**Office Action Summary**

Application No.

09/210,775

Applicant(s)

SHIMADA ET AL.

Examiner

Allen Wong

Art Unit

2613

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 30 October 2001.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Response to Arguments*

Applicant's arguments with respect to claims 1-14 have been fully read and considered but are moot in view of the new ground(s) of rejection.

The objection to the drawings is withdrawn. The minor objection to claims is withdrawn.

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Odaka (5,317,397) in view of Lee (5,592,226).

Regarding claim 1, Odaka discloses a moving picture encoding system for encoding each picture included in a sequence of moving pictures in units of a unit group (ie. GOP or Group of Pictures) comprised of a plurality of pictures including said each picture, said system comprising:

encoding control means for, when said unit group includes a plurality of different types of pictures which are to be encoded with different encoding methods (col.15, table 1; note the picture types and the different encoding modes), setting a target quantizer step size used to encode each of the different types of pictures included in said unit group (col.15, ln.46-52; Odaka discloses the quantization step size used to encode the I

frame is greater than the quantization step size used to encode the P frame, and similarly, Odaka discloses the quantization step size used to encode the P frame is greater than the quantization step size used to encode the B frame; thus, a target quantizer step size is set to encode the different type of pictures included in said unit group), and for performing a control operation to generate and furnish a quantizer step size so that a ratio among the target quantizer step sizes set for the different picture types is a predetermined one (note figure 17, element 717 is a coding controller that generates and furnishes the quantization step size; col.15, ln.46-52 discloses the ratio is predetermined; col.23, ln.34-40 discloses the predetermined ratios of the quantization step sizes); and

encoding means for encoding said each picture included in said sequence of moving pictures including said each picture using quantizer step size furnished by said encoding control means (note figure 17, element 104, is the quantizer that uses the quantizer step size furnished by the encoding control means 717, then the data is sent to the VLC, Variable Length Coding unit) and using either said each picture or prediction from a past intra-coded image and/or a predictive coded image (note figure 17, element 708 stores the prediction image data from a past intra-coded image and/or a predictive coded image).

Although Odaka does not specifically disclose the limitation "wherein said control operation is determined in accordance with a feature of said sequence of moving pictures to be encoded which represents a degree of complexity of said sequence of moving pictures to be encoded". However, Lee teaches that the target bit allocation for

Art Unit: 2613

each picture type is varied accordingly to adapt to the changing scene complexity found within a sequence of moving pictures (ie. group of pictures) to be encoded (col.35, lines 20-22). In other words, Lee teaches a control scheme that takes the complexity found in the sequence of moving pictures, and adaptively allocates the proper amount of bits for encoding the sequence of moving pictures by changing to the proper quantization step size. Therefore, it would have been obvious to one of ordinary skill in the art to take the teachings of Odaka and Lee as a whole for taking into account of the complexity of the sequence of moving pictures so as to accurately, effectively and efficiently encode the sequence of moving pictures while preserving high image quality and for keeping up with today highly complex encoding standards.

Regarding claims 2-10, 13 and 14, Odaka discloses, in col. 22, lines 58 to col. 23, ln.5, that the activity or complexity, ie. spatial and temporal differences, is detected before setting the proper quantization step size for that frame type to encode. In other words, the complexity obtained from the frame data is extracted and used to help determine the proper quantization step size so that the frames can be properly encoded. Then, Odaka discloses, in col.25, ln.18 to col.26, ln.28, that the ratios among the quantizer step sizes for the different types of pictures are updated.

With regards to claims 11 and 12, Odaka discloses, in figure 17, the use of a cyclical encoding process, a loop for recursive encoding processing where the buffer 715 is storing the amount of generated codes outputted from the variable length coding unit 712 and then the buffer 715 has an arrow to go to the coding controller (ie. encoding control means or quantization controller) where the quantization step sizes

and the amount of generated codes are evaluated for determining the proper quantization step size so as to encode the different types of pictures the proper corresponding encoding methods.

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

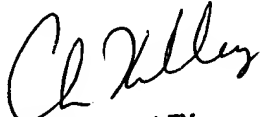
### ***Contact Information***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Allen Wong whose telephone number is (703) 306-5978. The examiner can normally be reached on Mondays to Thursdays from 8am-6pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Kelley can be reached on (703) 305-4856. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9314 for regular communications and (703) 872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4700.

AW  
January 3, 2002

  
CHRIS KELLEY  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2800